

A-18-784031-C

**DISTRICT COURT
CLARK COUNTY, NEVADA****Other Tort****COURT MINUTES****June 20, 2019**

A-18-784031-C Ciara Williams, Plaintiff(s)
 vs.
 Silvino Hinojosa, Defendant(s)

June 20, 2019 09:00 AM All Pending Motions

HEARD BY: Earley, Kerry **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Emmons, Shannon

RECORDER: Gomez, Rebeca

REPORTER:

PARTIES PRESENT:

Erica J. Chee	Attorney for Defendant
James John Lee	Attorney for Counter Defendant, Plaintiff
Thomas D Boley	Attorney for Counter Claimant, Defendant

JOURNAL ENTRIES

NOTICE OF MOTION OF 3/28/19 DEFENDANT TOPGOLF USA LAS VEGAS, LLC'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT... PLAINTIFF'S MOTION TO DISMISS DEFENDANT HINOJOSA'S COUNTERCLAIM.

Mr. Lee argued there is an absolute litigation privilege with regard to defamatory statements made in the course of or in the anticipation of litigation; further Mr. Boley failed to plead the counterclaim with particularity. Upon Court's inquiry, Mr. Lee advised every statement contained in the Complaint was within the parameters of the law suit. Mr. Boley argued Plaintiff made statements to multiple third parties which amount to unprivileged communications. COURT ORDERED, Plaintiff's motion is GRANTED. COURT FURTHER ORDERED, Defendant's oral motion to amend is based on factual allegations GRANTED.

Ms. Chee argued all seven causes of action initially barred by the Nevada Industrial Insurance Act. Mr. Lee argued COURT FINDS, pursuant to Wood v. Safeway Court cannot grant immunity for Top Golf as there are questions of fact. Mr. Lee concurred with Court's findings. Further arguments regarding intentional tort causes of action. COURT ORDERED, Defendant's motion is DENIED as it pertains to causes of action 1, 2, 3, 7. COURT ORDERED, Defendant's motion is GRANTED as it pertains to causes of action 4 and 5 pursuant to NRS 613.310. COURT FURTHER ORDERED, Mr. Lee's Oral Motion to Amend shall be GRANTED. Plaintiff shall file the Amended Complaint on or before July 5, 2019.